



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

June 5, 2023

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VIA ECF

The Honorable Kimba M. Wood
United States District Judge
Southern District of New York
500 Pearl St.
New York, NY 10007-1312


Re: *United States v. Brett Loebel*
17 Cr. 170 (KMW)

Dear Judge Wood:

The Government respectfully requests that the Court enter the attached Final Order of Forfeiture in this matter. As set forth in the accompanying Declaration, all right, title, and interest of the Defendant, Brett Loebel, in the Specific Property was ordered forfeited pursuant to a Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment (Docket Entry 18) and no third-party claims have been filed within the statutory period. Accordingly, the attached Final Order of Forfeiture should be entered so that the United States Marshals Service can dispose of the Specific Property according to law.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney
Southern District of New York

By: 
David Abramowicz
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Enclosure

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA	:	<u>FINAL ORDER OF</u>
	:	<u>FORFEITURE</u>
-v.-	:	
	:	17 Cr. 170 (KMW)
BRETT LOEBEL,	:	
	:	
Defendant.	:	
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WHEREAS, on or about December 11, 2019, this Court entered a Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment (the "Preliminary Order of Forfeiture") (D.E. 18), which ordered the forfeiture to the United States of all right, title and interest of BRETT LOEBEL (the "Defendant") in the following property:

- a. \$600,000.00 in United States currency that is currently held in a trust account controlled by the Defendant's counsel, David K. Tucker, Esq.

(the "Specific Property");

WHEREAS, the Consent Preliminary Order of Forfeiture directed the United States to publish, for at least thirty (30) consecutive days, notice of the Consent Preliminary Order of Forfeiture, notice of the United States' intent to dispose of the Specific Property, and the requirement that any person asserting a legal interest in the Specific Property must file a petition with the Court in accordance with the requirements of Title 21, United States Code, Sections 853(n)(2) and (3). Pursuant to Section 853(n), the United States could, to the extent practicable, provide direct written notice to any person known to have an alleged interest in the Specific Property and as a substitute for published notice as to those persons so notified;

WHEREAS, the provisions of Title 21, United State Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of

the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, require publication of a notice of forfeiture and of the Government's intent to dispose of the Specific Property before the United States can have clear title to the Specific Property;

WHEREAS, the Notice of Forfeiture and the intent of the United States to dispose of the Specific Property was posted on an official government internet site (www.forfeiture.gov) beginning on January 27, 2023, for thirty (30) consecutive days, through February 25, 2023, pursuant to Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty and Maritime Claims and Asset Forfeiture Actions and proof of such publication was filed with the Clerk of the Court on June 5, 2023 (D.E. 39);

WHEREAS, thirty (30) days have expired since final publication of the Notice of Forfeiture and no petitions or claims to contest the forfeiture of the Specific Property have been filed;

WHEREAS, the Defendant is the only person and/or entity known by the Government to have a potential interest in the Specific Property; and

WHEREAS, pursuant to Title 21, United States Code, Section 853(n)(7), the United States shall have clear title to any forfeited property if no petitions for a hearing to contest the forfeiture have been filed within thirty (30) days of final publication of notice of forfeiture as set forth in Title 21, United States Code, Section 853(n)(2);

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. All right, title and interest in the Specific Property is hereby forfeited and vested in the United States of America and shall be disposed of according to law.
2. Pursuant to Title 21, United States Code, Section 853(n)(7) the United States of America shall and is hereby deemed to have clear title to the Specific Property.

3. The United States Marshals Service (or its designee) shall take possession of the Specific Property and dispose of the same according to law, in accordance with Title 21, United States Code, Section 853(h).

Dated: New York, New York
June 8, 2023

SO ORDERED:



HONORABLE KIMBA M. WOOD
UNITED STATES DISTRICT JUDGE